S.B.CRIMINAL MISC. PETITION NO.304/2007
(Bhagwana and ors. Vs. State of Raj. & Anr.)

Date of order : : 02.04.2007

HON'BLE MR. KRISHAN KUMAR ACHARYA, J.

Mr.Sanjay Mathur, for the petitioners.

The learned counsel for the petitioner states that the police after investigation has filed FR in this case and the police only found that offence under Section 427 I.P.C. i.e. mischief is made out as the petitioners have broken projection and Nala and caused mischief. The complainant filed protest petition. After going through the protest petition as well as police papers, the learned Magistrate took cognizance for offence under Section 427/149 I.P.C. Against the order taking cognizance, the petitioners filed revision petition and the learned revisional Court after hearing both the parties dismissed the revision petition.

I have perused the impugned orders. The learned Magistrate has taken cognizance for offence under Sections 427/149 I.P.C. and he has not taken cognizance for offence under

Section 147, 148 and 143 I.P.C. Whether the cognizance can be taken for offence under Section 427/149 I.P.C. independently or not, the petitioners are left open to raise this question before the learned Magistrate at the stage of Section 251 Cr.P.C.

With the aforesaid observations, the present misc. petition stands disposed of.

(KRISHAN KUMAR ACHARYA), J.

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